

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

Southwest Mississippi Regional Medical Center, et al. v. AmerisourceBergen Drug Corp., et al., Case No. 17-op-45175;

West Boca Medical Center, Inc. v. AmerisourceBergen Drug Corp., et al., Case No. 18-op-45530;

Rosary Hall and St. Vincent Charity Medical Center v. AmerisourceBergen Drug Corp., et al., Case No. 18-op-45610;

Baptist Healthcare System, Inc., et al. v. AmerisourceBergen, et al., Case No. 18-op-46058;

Saint Elizabeth Medical Center, Inc., et al. v. AmerisourceBergen Drug Corp., et al., Case No. 18-op-46046.

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**NOTICE OF SUPPLEMENTAL AUTHORITY REGARDING
HOSPITAL CLAIMS**

The undersigned counsel, on behalf of all the hospitals whose cases have been transferred to this Court as part of the MDL process, respectfully brings to the Court's attention the Opinion issued September 16, 2019, by the Hon Janet C. Bostwick in *Tucson Medical Center v. Purdue Pharma, L.P., et al.*, Case No. C20184991 (Ariz. Super. Ct., Pima County), denying defendants' motions to dismiss as to all counts. This Opinion, attached as Exhibit 1, addresses numerous of the same issues raised by the Defendants in this proceeding and is relevant to the Court's

consideration as to the validity of the hospitals' claims. In particular, it is relevant to the pending motion to dismiss litigation in *West Boca Medical Center, Inc. v. AmerisourceBergen Drug Corp.* MDL 2804, Dkt. 691. It is also relevant to the Hospital Plaintiffs' briefing on the viability of their public nuisance claims. MDL 2804, Dkt. 1523.

Dated: September 19, 2019

Respectfully submitted,

/s/ Don Barrett

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2019, a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

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